Requirements To Solicit In The Town Of Burlington

1.) Companies and Individuals who wish to solicit in the Town of Burlington must fill out a Solicitation Registration Form/Application fourteen (14) days prior to soliciting.

2.) After a company fills out the registration form, each individual solicitor will be given a copy of the Town of Burlington CORI Policy: Licensing

3.) Each individual solicitor shall complete a CORI Acknowledgment Form and a Burlington Police Department Civil Fingerprinting Consent Form.
   a. Each individual solicitor (applicant) shall submit with their application a bank check or money order made out to the following:
      i. Commonwealth of Massachusetts – thirty dollars ($30.00)
      ii. Town of Burlington – seventy dollars ($70.00)

Both checks shall not only have the signature of the applicant but also their name printed in block letters on both checks.

Applications shall be reviewed and appointments for fingerprinting will be made through Lt. Kirchner
TOWN of BURLINGTON
Massachusetts

CORI POLICY: LICENSING

This Policy governs criminal record background checks the Town conducts in connection with applications for Town-issued occupational licenses. This CORI Policy applies to all boards, commissions, and employees serving as the licensing authority for the Town of Burlington with regard to occupational licenses, and all Town employees who assist with occupational license applications.

As used in this Policy, “CORI” refers to records obtained as the result of criminal record background checks conducted by the Federal Bureau of Information (“FBI”) and any information that is recorded as the result of the initiation of criminal proceedings or any consequent related proceedings, including, but not limited to, Massachusetts Board of Probation (“BOP”) records and other information available from the Department of Criminal Justice Information Systems (“DCJIS”), fingerprints, photographs, and other identifying data that is recorded as the result of the initiation of criminal proceedings.

1. Generally. CORI checks shall be conducted for the sole purpose of making suitability determinations and only by persons authorized to do so under this Policy and applicable law. CORI checks shall be conducted in a manner that conforms with this Policy and with all applicable federal, state and local laws, regulations, and by-laws.

Fingerprint-based CORI checks shall be conducted of applicants for the following occupational licenses:

- Hawkers and Peddlers
- Solicitors and Canvassers
- Hackney Carriage (Taxi) Operators
- Dealers in Junk, Second-Hand Articles and Antiques
- Pawn Dealers
- Ice Cream Truck Vendors
- Mobile Food Vendors

2. Access to CORI. All CORI is confidential, and can be disseminated only as authorized by law or regulation. Access to CORI within the Town must be limited to those individuals who have a “need to know.” This may include, but not be limited to, staff submitting the CORI requests and staff charged with processing licensing applications. The Town will keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

3. Training of Personnel. All personnel authorized to conduct CORI checks and/or to review CORI will review, and be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.
4. **Subject’s Prior Authorization.** No CORI check may be conducted until the subject has:

a) received a copy of this Policy;

b) signed and otherwise completed a CORI Acknowledgment Form (Appendix A); and

c) in the case of fingerprint-based CORI checks, been notified that the fingerprints will be used to check the subject’s FBI criminal history records (Appendix B).

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgment Form, the subject shall be given seventy-two (72) hours notice that a new CORI check will be conducted.

If a subject objects to the new request for CORI, the CORI Acknowledgment Form shall become invalid.

If a subject’s license expires or is revoked, the CORI Acknowledgement Form shall become invalid.

It should be noted that this only applies to state CORI checks on the non-criminal justice side submitted by the Town through the DJIS iCORI system and not FBI checks. For FBI checks, the applicant must sign a consent form.

5. **Use of Criminal History in Background Screening.** CORI used for licensing purposes shall only be accessed for applicants who meet all other requirements for the license for which the individual is being screened.

6. **Schedule of Fingerprint Collection.** Licensing applicants shall schedule an appointment with the Community Services Division of the Burlington Police Department. Applicants can contact the Community Services Division at 781-270-1916. Fingerprint collection will be done at the Burlington Police Department 45 Center Street Burlington, Massachusetts 01803.

7. **Fingerprint Fees.** Fingerprinting fees include federal, state, and local fees. Before being fingerprinted, all licensing applicants must pay a statutory fingerprint fee of thirty dollars ($30.00) with a money order or bank check payable to the “Commonwealth of Massachusetts.” In addition to a signature, the money order or bank check shall include the name of the applicant hand-printed in block letters.

Licensing applicants must pay the municipal fingerprint fee of seventy dollars ($70.00) with a money order or bank check payable to the “Town of Burlington.” In addition to a signature, the money order or bank check shall include the name of the applicant hand-printed in block letters.

8. **Verification of Subject’s Identity.** Prior to conducting a CORI check, the Town shall verify the identity of the subject against at least one of the following forms of government-issued identification: a) a state-issued driver’s license; b) a state-issued identification card with a photograph; c) a passport; or d) a military identification
If the subject does not have one of the foregoing forms of government-issued identification, the Town shall verify the subject’s identity by other forms of documentation as determined by the DCJIS.

If the Town is unable to verify a subject’s identity and signature in person, the subject may submit a completed CORI Acknowledgment Form acknowledged by the subject before a notary public. This only applies to the state CORI check through DJJS iCORI system and not FBI checks. Identification for FBI checks will be checked at the police department prior to taking the individual’s prints.

The Town shall not request CORI until it has signed and dated the CORI Acknowledgment Form certifying that the subject was properly identified (Appendix A).

If the criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

9. **Prohibition on Requesting Subject to Produce CORI.** In no event shall the Town request or require a person to supply it with a copy of his or her own CORI.

10. **Required Sharing of CORI and Opportunity to Dispute Accuracy.** The Town shall provide a subject with a copy of his or her CORI upon the subject’s request. In all events, the Town shall provide the subject with a copy of his or her CORI prior to a) questioning the subject about the subject’s criminal history, or b) making an adverse determination on the basis of the subject’s CORI.

The Town shall not make an adverse determination on the basis of the subject’s CORI without first:

- a) providing the subject with a copy of this Policy,
- b) notifying the subject in person, by telephone, fax, or electronic or hard copy correspondence of the potential adverse determination,
- c) providing the subject with a copy of his or her CORI and with information concerning the source of the criminal history record,
- d) identifying for the subject the part of his or her CORI that appears to make him or her unsuitable,
- e) providing the subject with information regarding the process for correcting CORI through DCJIS and for establishing oneself as the victim of identity theft (Appendices C-D),
- f) in the case of fingerprint-based CORI checks, providing the subject with a copy of 28 C.F.R. Part 16.34 (Appendix E), and
- g) affording the subject an opportunity to dispute the accuracy of the CORI or otherwise present to the Town any mitigating or other circumstances bearing on the CORI.

The Town will review any information the subject supplies disputing the accuracy of the CORI. The Town shall not deny a license based on CORI unless the subject has been afforded an opportunity to dispute the accuracy of the CORI. The Town shall timely inform the subject of its decision.

The Town shall document all steps it takes to comply with this Section.
11. Decision-Making. If the Town reasonably believes that CORI belongs to the subject and is accurate, it will make a determination of suitability based on the CORI. Unless otherwise provided by applicable law or regulation, a criminal record shall not automatically disqualify a subject. Rather, determinations of suitability based on CORI will be made consistent with this Policy and applicable laws and regulations. Factors the Town will consider in making suitability determinations include, but are not limited to:

   a) relevance of the record to the application;
   b) the nature of the work to be performed;
   c) time since the conviction;
   d) age of the subject at the time of the offense(s);
   e) nature, gravity, and specific circumstances of the offense(s);
   f) the number of offenses;
   g) whether the subject has pending charges;
   h) any relevant evidence of rehabilitation efforts or lack thereof; and
   i) applicable laws and regulations setting forth criminal history disqualifiers; and
   j) any other relevant information, including information submitted by the subject.

12. Dissemination of CORI. CORI may be shared with staff authorized to request, receive, or review CORI for the purposes of evaluating an application for an occupational license. The Town shall, upon request, share CORI with government entities charged with overseeing, supervising, or regulating the Town.

13. Secondary Dissemination Log. The Town shall maintain an electronic or paper Secondary Dissemination Log reflecting dissemination outside of the licensing authority’s organization, reflecting the following: a) the subject’s name, b) the subject’s date of birth, c) the date and time of the dissemination, d) the name of the person to whom the CORI was disseminated and the name of the organization for which the person works, if applicable, and e) the specific reason for the dissemination.

14. Security / Maintenance / Destruction. Hard copies of CORI shall be stored in a separate locked and secure location, such as a file cabinet. The Town shall limit access to the locked and secure location to persons who have been approved to access CORI. Hard copies of CORI shall be destroyed by shredding or otherwise before disposal. Electronically-stored CORI shall be password-protected and encrypted. The Town shall limit password access to only those persons who have been approved to access CORI. CORI shall not be stored using public cloud storage methods. Electronic copies of CORI shall be destroyed by deleting them from the hard drive on which they are stored and from any system used to back up the information before disposing of it. The Town shall appropriately clean all CORI by electronic or mechanical means before disposing of or repurposing a computer used to store CORI. CORI Acknowledgment Forms and Secondary Dissemination Logs shall be maintained for a minimum of one year. CORI shall not be maintained for more than 7 years from the date of the final determination.

Storage and Destruction of FBI results:
Storage of Fingerprint-Based State and National Criminal History Information

Fingerprint-based state and national criminal history record information shall not be retained or stored except for the purpose of allowing an applicant the opportunity to challenge the criminal history record. During the challenge stage, the fingerprint-based state and national criminal history record information shall be stored in a secure location and access to the information shall be restricted to authorized personnel.

Destruction of Fingerprint Based State and National Criminal History Information

When fingerprint-based state and national criminal history information is no longer needed, it shall be destroyed by the licensing authority by burning, shredding, or other method, rendering the information unreadable.

1 Certain criminal offenses listed on a record may automatically disqualify an applicant from certain licenses. These instances are required by law.
APPENDIX B – Notification to Subjects of Fingerprint-Based Criminal Record Background Checks

BURLEINGTON POLICE DEPARTMENT

Burlington, Massachusetts

Michael R. Kent
CHIEF OF POLICE
TO: LICENSE APPLICANT
FROM: BURLINGTON POLICE DEPARTMENT
Pursuant to Article XIII Section 8.0 of the Town of Burlington’s By-Laws, new applicants for the following licenses must submit a full set of fingerprints to the Burlington Police Department within ten (10) days of the date of the license application for the purpose of conducting a state and national criminal record background check:

- Hawkers and Peddlers
- Solicitors and Canvassers
- Hackney Carriage (Taxi) Operators
- Dealers in Junk, Second-Hand Articles and Antiques
- Pawn Dealers
- Ice Cream Truck Vendors
- Mobile Food Vendors

Fingerprinting fees include federal, state, and local fees. Before being fingerprinted, all licensing applicants must pay a statutory fingerprint fee of thirty dollars ($30.00) with a money order or bank check payable to the “Commonwealth of Massachusetts.” In addition to a signature, the money order or bank check shall include the name of the applicant hand-printed in block letters.

Licensing applicants must pay the municipal fingerprint fee of seventy dollars ($70.00) with a money order or bank check payable to the “Town of Burlington.” In addition to a signature, the money order or bank check shall include the name of the applicant hand-printed in block letters. Please be advised that if you are fingerprinted by the Police Department in connection with a license application, your fingerprints will be used to check your criminal history records available through the United States Federal Bureau of Investigation (“FBI”).

All criminal record background checks will be conducted in conformity with applicable law and policies concerning licensing-related criminal record background checks, including the Town’s CORI Policy for Licensing and the Police Department’s Fingerprint-Based Criminal Records Background Checks Policy.
APPENDIX C - Information Concerning the Process in Correcting a Criminal Record

INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

1. If you have undergone a background check by an agency that has received a criminal record from the DCJIS, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Department of Criminal Justice Information Services, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 or by calling (617)660-4640 or go to http://www.mass.gov/Ecops/docs/cjis/cori_request_personal.pdf

2. The DCJIS charges $25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the DCJIS waive the fee.

3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and “how to read a criminal record” on the DCJIS website www.mass.gov/cjis/cori/cori_bop.html

4. The DCJIS does not offer “walk-in” service but you may call our Legal Division at (617)660-4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at (617)727-5300.

5. If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation Department at the court where the charges were brought and request that the case(s) be updated.

6. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CARI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.

7. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please see www.mass.gov/cjis/cori/cori1_codes_court.html

8. In some situations of identity theft, you may need to contact the DCJIS to arrange to have fingerprints analysis conducted.

9. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.

10. If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CARI Unit for assistance at (617)660-4640.
APPENDIX D – Establishing Yourself as the Victim of Identity Theft

Information Concerning Establishing Yourself as the Victim of Identity Theft for Criminal Offender Record Information (CORI) Purposes

1. If you are concerned about the information that is contained in your criminal record, you may request a copy of your adult criminal record from the Department of Criminal Justice Information Services, 200 Arlington Street, Suite 2200, Chelsea, Massachusetts 02150. You also may obtain a personal record request form by visiting the DCJIS website at: www.mass.gov/eops/docs/DCJIS/cori_request_personal.pdf.

2. The DCJIS charges a $25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the DCJIS fee be waived.

3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and “How to Read a Criminal Record” on the DCJIS’s website at: http://www.mass.gov/?pageID=corp&stubtopic&L=5&L0=Home&L1=Crime&Prevention+%26;Safety&L2=Background&Check&L3=Criminal&Offender&Record&Information+(CORI)&L4=How+to+Read+a+Criminal+Record&sid=Eoops. The DCJIS does not offer “walk-in” service, but you may call the agency’s Legal Department at 617.660.4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at 617.727.5300.

4. If upon reviewing your record you believe that someone has stolen or improperly used your identity and was arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers, please visit http://www.mass.gov/?pageID=corp&stubtopic&L=5&L0=Home&L1=Crime&Prevention+%26;Safety&L2=Background&Check&L3=Criminal&Offender&Record&Information+(CORI)&L4=How+to+Read+a+Criminal+Record&sid=Eoops&b=terminalcontent&m=Dcjis_cori_codes_court&c=esid=Eoops.

5. In addition to working with the Commissioner of Probation’s Office or the Chief Probation Officer in any court in which charges were brought for an individual that has stolen or improperly used your identity, you may apply to the Massachusetts Department of Criminal Justice Information Services to be entered into the Identity Theft Victims Index File.

6. In order to be entered into the Identity Theft Victims Index File, you must file a report with a local police department or the Massachusetts State Police, indicating that you are the victim of Identity Theft. Please contact your local police department and request to file a report.
§ 16.34 Procedure to obtain change, correction or updating of identification records.

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D–2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

Burlington Police Department
Civil Fingerprinting Consent Form

I, ______________________________, consent to the collection of my fingerprints as part of the application process for the following license:
________________________________________.

I acknowledge and understand that my fingerprints will be searched against the database maintained by the Federal Bureau of Investigations.

________________________________________  ____________________________________
Signature                                      Date

________________________________________
Name
# Burlington Police Department Solicitation Registration Form

<table>
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<tr>
<th>Date:</th>
<th>City/Town:</th>
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<tbody>
<tr>
<td>Crew Coordinator Name and Phone Number:</td>
<td>Registered At:</td>
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<td>Police Dept. Town Hall</td>
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<tr>
<td>Charitable Organizations must provide Annual Registration Statement that is filed with the Attorney General's Division of Public Charities: Y N</td>
<td>Registered with:</td>
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<td></td>
<td>Company/Organization Name:</td>
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<tr>
<td>Name of Agents With You:</td>
<td>Company Headquarters/Home Office Information:</td>
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<td>1)</td>
<td>Address:</td>
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<td>2)</td>
<td>Phone #(s):</td>
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<td>3)</td>
<td>Regional Contact:</td>
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<td>4)</td>
<td>Licenses/Insurance Information (if applicable):</td>
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<tr>
<td>5)</td>
<td>Dates to be soliciting:</td>
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<td>6)</td>
<td>Name of last three communities in which the organization has conducted a solicitation or canvassing operation and dates:</td>
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<td>7)</td>
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<td>10)</td>
<td>Work Area:</td>
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<td>Auto Information:</td>
<td>Contractors Must:</td>
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<td>Make:</td>
<td>-Wear an ID conspicuously displayed on their outer garment.</td>
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<tr>
<td>Model:</td>
<td>-Be easily recognizable with company branded clothing.</td>
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<tr>
<td>Plate #:</td>
<td>-Pass a background check with Burlington Police Department.</td>
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<td>Make:</td>
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Burlington Police Department
45 Center Street
Burlington, Ma. 01803

(781)272-1212
Fax: (781)270-1920
Web: http://bpd.org